

Message Text

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17/14

ACTION L-03

INFO OCT-01 ARA-16 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 ACDA-19 SY-10 CPR-02 USSS-00 AF-10

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TO SECSTATE WASHDC 0445

INFO AMEMBASSY MEXICO CITY

AMEMBASSY BOGOTA

UNCLAS USUN 4154

E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. ASYLUM ARTICLE WAS INTRODUCED BY COLOMBIA REP IN SIXTH COMMITTEE OCT 23. NEW ARTICLE, SPONSORED BY COLOMBIA, COSTA RICA, ECUADOR, EL SALVADOR, HONDURAS, MEXICO, NICARAGUA, PANAMA, PERU, URUGUAY AND VENEZUELA, WOULD BE ADDED BETWEEN ARTICLES 11 AND 12 AND WOULD READ AS FOLLOWS:

"NONE OF THE PROVISIONS OF THIS CONVENTION SHALL BE CONSTRUED AS MODIFYING THE TREATIES ON ASYLUM."

2. CITING CONVENTIONS OF MONTEVIDEO, CARACAS AND HAVANA, COLOMBIA SAID THAT ELEVEN LATIN AMERICAN COSPONSORS COULD NOT BE PARTIES TO CONVENTION ON PROTECTION OF DIPLOMATS WITHOUT ADOPTION PROPOSED ARTICLE.

3. ZAIRE COMMENTED THAT ILC DRAFT PRESERVES SUFFICIENT FLEXIBILITY IN PROVIDING ALTERNATIVE OF EXTRADITION OR PROSECUTION. HE SAID NEW ARTICLE GOES AGAINST PURPOSE OF CONVENTION.

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4. CUBA ASSERTED SOVEREIGN RIGHT OF NATIONS TO GRANT TERRITORIAL ASYLUM.

5. AUSTRIA STATED THAT SINCE CONVENTION ON STATUS OF REFUGEES NOT CONTRAVENED BY PRESENT CONVENTION, CONCLUSION DRAWN THAT ONLY DIPLOMATIC ASYLUM INTENDED SCOPE OF NEW ARTICLE. HOWEVER, AUSTRIAN REP NOTED THIS PRINCIPLE NOT GENERALLY RECOGNIZED OUTSIDE LATIN AMERICA. ALSO EXPRESSED HOPE THAT ARTICLE INTENDED TO APPLY ONLY TO STATES PARTY TO ASYLUM TREATIES.

6. BRAZIL DISTINGUISHED BETWEEN INSTITUTION OF ASYLUM AND PRACTICE OF DIPLOMATIC ASYLUM, MAKING REFERENCE TO HAVANA AND CARACAS CONVENTIONS WHICH DO NOT GRANT ASYLUM TO COMMON CRIMINALS. HE STRONGLY OPPOSED INCLUSION OF TEXT AS DRAFTED. ALTHOUGH BELIEVED IT UNNECESSARY ADDITION, REP STATED HE WOULD NOT OBJECT TO NEW ARTICLE IF EXPRESSLY CONFINED TO DIPLOMATIC ASYLUM.

7. HAITI OBJECTED TO NEW ARTICLE. YASSEEN (IRAQ) OPPOSED PRESENT WORDING OF ARTICLE BUT COULD GO ALONG IF IT NECESSARY TO OBTAIN LA RATIFICATIONS.

8. UK REP QUESTIONED WHETHER EVEN RIGHT TO DIPLOMATIC ASYLUM SHOULD BE INSISTED UPON IN CASES WHERE ACTS OF ALLEGED OFFENDERS THREATEN TO DISRUPT INTERNATIONAL RELATIONS. HE ADDED THAT IF ASYLUM PREVENTS EXTRADITION, THEN PROSECUTION SHOULD BE REQUIRED. GREECE AND ITALY TOOK LIKE POSITION THOUGHT INDICATED POSSIBLE FLEXIBILITY IF TEXT RESTRICTED TO DIPLOMATIC ASYLUM.

9. SWEDISH REP, COMMENTING ON LIBERAL ASYLUM POLICY IN SWEDEN, NOTED THAT EVEN THERE OFFENDERS WERE PROSECUTED AND IF CONVICTED, PUNISHED BEFORE BEING GRANTED ASYLUM.

10. COSPONSORS ASKED IN EFFECT FOR SUSPENSION OF DISCUSSION ON QUESTION AND FOR OPPORTUNITY TO CONSULT TOGETHER ON ANSWERS TO QUESTIONS RAISED AND POSSIBLE REFORMULATION OF PROVISION. DELOFF AFTERWARD EXPLAINED TO SANCHEZ-GAVITO (MEX) THAT WE HAD REFRAINED FROM SPEAKING IN ORDER AVOID UNCLASSIFIED

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IF AT ALL POSSIBLE OPPOSING MEXICAN AND OTHER LA PROPOSAL BUT EXPRESSED HOPE HE WOULD, IN LIGHT OF DEBATE, RECONSIDER SOME OF OUR EARLIER PRIVATE SUGGESTIONS. SANCHEZ-GAVITO EXPRESSED WARM APPRECIATION FOR OUR SILENCE, RECOGNITION THAT IF IT CAME TO A VOTE WE WOULD HAVE TO OPPOSE AND HIS PERSONAL WILLINGNESS TO SEE WHAT HE COULD DO.
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